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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION**

UNITED STATES OF AMERICA,

Case No. 3:16-cr-00051-BR

Plaintiff,

**JOINT STATUS REPORT
REGARDING STATUS OF
MOTION TO SUPPRESS (DOC.
711)**

v.

**AMMON BUNDY, JON RITZHEIMER,
JOSEPH O'SHAUGHNESSY,
RYAN PAYNE, RYAN BUNDY,
BRIAN CAVALIER, SHAWNA COX,
PETER SANTILLI, JASON PATRICK,
DUANE LEO EHMER,
DYLAN ANDERSON, SEAN ANDERSON,
DAVID LEE FRY,
JEFF WAYNE BANTA,
SANDRA LYNN ANDERSON,
KENNETH MEDENBACH, BLAINE
COOPER, WESLEY KJAR, COREY
LEQUIEU, NEIL WAMPLER, JASON
CHARLES BLOMGREN, DARRYL
WILLIAM THORN, GEOFFREY
STANEK, TRAVIS COX, ERIC
LEE FLORES, and JAKE RYAN,**

Defendants.

The defendants, through AFPD Rich Federico, and the government, through AUSA Geoffrey Barrow, submit the following Joint Status Report, in accordance with the Court's Order of July 6, 2016 (Docket No. 846).

CERTIFICATION OF CONFERRAL: Undersigned counsel certifies that Assistant United States Attorney Geoffrey Barrow was consulted regarding the content of this Joint Status Report. Both the government and the defense positions are set forth herein.

POSITION OF THE PARTIES

The Court directed the parties to confer again regarding Mr. Payne's Motion to Suppress Seized Emails (Doc. 711). Previously, the government responded that it does not intend to introduce at trial any evidence obtained from the email warrant, and that it was not aware of any evidence the government obtained as fruits of the returns of the Nevada email warrant (Doc. 794).

The government made additional inquiries regarding this evidence and determined again that it remains unaware of any fruits derived from the 2014 Nevada e-mail warrants. As the government will offer no direct or derivative evidence obtained from the email warrants, the parties jointly concur that Mr. Payne's motion is moot. However, the government maintains its reservation that it may use the evidence from the email warrant to impeach a defendant at trial, if that defendant's testimony is inconsistent with defendant's prior statements contained in the evidence obtained from the email warrant. Mr. Payne respectfully reserves the right to renew this motion if and when any evidence obtained from the email warrant later becomes known to the parties and is offered as evidence at trial by the government.

Respectfully submitted this 13th day of July, 2016.



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